

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|-----------------------------|---|----------------|
| RUSSELL E. FOLK, | : | CIVIL ACTION |
| Petitioner | : | |
| | : | |
| VS. | : | |
| | : | |
| JOHN M. McCULLOUGH, ET AL., | : | |
| Respondents | : | NO. 02-CV-4745 |

ORDER

AND NOW, this _____ day of _____, 2002 after consideration of Respondent's Motion for Extension of Time to File Answer to Petitioner's Application for a Writ of Habeas Corpus, IT IS ORDERED that Respondent shall have an additional thirty (30) days in which to file its answer.

CHARLES B. SMITH
United States Magistrate Judge

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| Petitioner | : | |
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| | : | |
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| Respondents | : | NO. 02-CV-4745 |

COMMONWEALTH'S MOTION FOR EXTENSION OF TIME

TO FILE ANSWER

TO THIS HONORABLE COURT:

AND NOW, this 10th day of September, 2002, comes the Commonwealth of Pennsylvania, by and through the District Attorney of Berks County, represented by Kelly S. Kline, Assistant District Attorney, respectfully requesting that this Honorable Court grant the District Attorney's Office, a party respondent, an extension of thirty (30) days to file an Answer to the above captioned Petition filed under 28 U.S.C. § 2254 for Writ of Habeas Corpus. In furtherance of our request, the District Attorney's Office avers the following:

1. On or about August 19, 2002, the Petitioner, Russell E. Folk, filed a Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus.
2. On September 9, 2002, the Berks County District Attorney's Office received an Order signed by the Honorable Charles B. Smith, United States Magistrate Judge, directing the District Attorney to file specific and detailed answers within twenty (20) days of September 4, 2002, the date the Order was entered.
3. The underlying Petition challenges alleged violations of the Petitioner's trial court error denying Petitioner the right to a fair trial and claims of ineffective assistance of counsel.

4. The District Attorney must provide a detailed procedural history, which includes the trial, a sentencing hearing, a direct appeal, and Post Conviction Relief Act petitions.
5. In order to properly answer this Petition, this office must locate the files, reconstruct the lengthy record, analyze the issues presented and conduct research.
6. Hence, the Berks County District Attorney's Office respectfully requests that this Honorable Court grant an additional thirty (30) days to file specific and detailed answers to this Petition for a Writ of Habeas Corpus.

Respectfully submitted,

KELLY S. KLINE
Assistant District Attorney

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CERTIFICATE OF SERVICE

I, Kelly S. Kline, Assistant District Attorney, hereby certify that I have served a copy of the attached Motion for Extension of Time to file upon Petitioner, Russell E. Folk, by mailing a copy to him at Inmate # DQ-7318, SCI Houtzdale, P.O. Box 1000, Houtzdale, PA 16698-1000 by first class mail, postage prepaid.

Dated: _____

KELLY S. KLINE
Assistant District Attorney